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SUBJECT: EGYPT: NEW APPROACH ON ERITREAN REFUGEES

REF: CAIRO 1388

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¶1. (SBU) Summary: The GOE has acknowledged that it returned 167 Eritreans that it claims did not need refugee protection to Eritrea, claims to have "set free" 87 who were arrested in Egypt but who carried UNHCR refugee identification cards, and is disputing UNHCR designated refugee status for 130 that the UNHCR processed in detention in Aswan. In addition, UNHCR access to 318 Eritreans serving sentences for illegally attempting to enter Israel is still pending with the Public Prosecutor's office, according to MFA and UNHCR contacts. The GOE has changed its previous strategy of denying that it returned any Eritreans to arguing that not all Eritreans it arrested are in fact genuine refugees. GOE officials are not against protecting Eritreans in need per se, but rather worry that Egypt will be forced to host an undue share of refugees. End summary.

¶2. (SBU) On July 30, MFA Deputy Minister for Refugees Tarek El Maaty told us that there are 130 Eritreans still awaiting their fate in detention in Aswan since the UNHCR was allowed access to them in recent weeks (reftel). He said that the UNHCR had determined that 128 have valid claims to refugee status, and are further investigating the other two. In addition to the Eritreans, El Maaty reported that there were also 49 Ethiopians held in Aswan, four of which the UNHCR had determined were refugees. Separately on July 31, UNHCR Deputy Regional Representative for Protection Katharina Lumpp confirmed that the "overwhelming majority" of Eritreans that UNHCR saw in Aswan deserved refugee protection, while most of the Ethiopians did not.

¶3. (SBU) While the GOE plans to accept the UNHCR designation of the four Ethiopians as refugees, El Maaty said that the GOE disputes giving the Eritreans refugee status and is engaged in a formal "dialog" with the UNHCR on this point. He claimed that the Eritreans are military deserters - "this would be a crime in Egypt!" - or economic migrants. We noted that Eritreans escaping military service have a well-founded fear of persecution if returned home, which El Maaty acknowledged was "an important point."

¶4. (SBU) El Maaty emphasized that the GOE is formulating a new process for how to deal with Eritreans escaping military service or religious persecution. He said that what happens with the group in Aswan will set a precedent for future cases, provided a GOE position paper on the topic (setpel), and said that the GOE wants to ensure that other countries will "share the burden" of resettling this population. Along these lines, Lumpp said that the UNHCR had been given approval to start resettlement processing for some of the

Eritreans held in Aswan.

15. (SBU) In addition, El Maaty reported there were 318 other Eritreans in Egyptian prisons serving sentences for attempting to illegally enter Israel. El Maaty and Lumppp confirmed that the UNHCR had requested access to this group, and that a decision on this access was now pending with the Office of the Public Prosecutor. An additional 87 Eritreans had been arrested attempting to reach Israel but had been "set free" because they carried UNHCR refugee identification cards, El Maaty continued. However, he noted that the GOE had returned to Eritrea 98 others who were arrested at various locations in Egypt and who had not claimed refugee status; they were "warmly welcomed" in Eritrea, he said, with no allegations of mistreatment or torture. In fact, he noted, some had "asked to be sent back" rather than to stay in Egyptian jails. The GOE also returned another 69 without refugee identification cards who were arrested in the Sinai apparently on their way to Israel, he said. El Maaty provided an Arabic-language document that the MFA sent to UNHCR detailing Egypt's actions regarding Eritrean migrants, refugees, and asylum-seekers in recent months (full translation at paragraph 7).

16. (SBU) Comment: The GOE has changed course from its previous strategy of denying any returns of Eritreans to arguing that those it returned do not deserve refugee protections. GOE officials are not against protecting Eritreans in need per se, but are concerned that Egypt would be forced to host what they see as more than their fair share. The GOE is seeking commitments from international partners to resettle some of this Eritrean population, and we have assured our interlocutors that the USG will consider any resettlement requests referred by the UNHCR. However, the GOE and UNHCR will need to balance between resettling enough Eritreans to assuage GOE concerns and resettling so many that more are "pulled" to Egypt on the hopes of being resettled to a third country.

17. (SBU) Begin text of MFA letter to UNHCR (informal Embassy translation):

1) Egypt is committed to its international obligations. Hence, Egypt welcomed UNHCR representatives' visit to see detained Eritreans in Aswan.

2) UNHCR representatives met with 130 Eritreans and 49 Ethiopians who praised Egyptian Authorities for treating them well.

3) Egypt confirms that there are no detained Eritreans in other cities, which makes UNHCR's request to visit other detention centers without merit. As for UNHCR's request to meet with imprisoned Eritreans who have verdicts issued against them for violating Egyptian law, it is being reviewed by the Public Prosecutor's office to ensure judicial independence in Egypt.

4) Egypt has always been eager to work with UNHCR in a cooperative and transparent manner, and has been praised for such by UNHCR. However, we are concerned about not receiving any feedback from UNHCR after their last visit to the detained Eritrean group, which is an unjustified delay and does not reflect the cooperative spirit that we hope would exist between GOE and UNHCR especially since this issue has sparked international reaction and the circulation of inaccurate and undocumented information.

5) History proves that Egypt hosted foreigners - including hundreds of thousands of refugees from 36 different nationalities. The total number of registered refugees according to UNHCR in Cairo is approximately 43,500.

6) Regarding the Eritreans who were detained after trying to illegally enter Egypt, investigations were carried out to determine their identities, how they arrived in the country and the reason for illegally entering Egypt. These investigations showed that a large number of the Eritreans

were fleeing military conscription in their country. Additionally, some of them are economic migrants who are looking for job opportunities in Israel and were using Egypt as a transit country.

7) Investigations showed that the majority of the detained group did not ask for asylum in Egypt. A small group applied for asylum and was released to go to UNHCR. A final group of Eritreans was allowed to be interviewed by UNHCR.

8) The numbers included in international reports were neither accurate nor documented. During the investigations many of the detained did not have identification and provided Egyptian authorities with incorrect names and nationalities.

Statistics of the detained Eritreans:

- 318 were arrested while trying to infiltrate into Israel and they are serving in prison as per judicial verdicts.

- 87 were arrested on the borders while trying to infiltrate into Israel and were released after they proved to hold UNHCR cards.

- 98 were arrested inside Egypt and stated that they were looking for better economic conditions and escaping army enrollment in their countries and feared to return and face trial.

- 69 were arrested in Sinai and stated that they came from Eritrea through Sudan and did not apply for asylum either in Khartoum or Cairo. It was clear that their intentions were to illegally enter Israel. They were deported to their country.

- 130 Eritreans and 49 Ethiopians were arrested in Aswan and interviewed by UNHCR - as requested by the organization - to determine their need for international protection.

- An unspecified number of those arrested in Egypt who expressed their desire to acquire asylum in Egypt were released to apply at UNHCR.

9) UNHCR is responsible for monitoring the member states' implementation of the 1951 Refugees Convention and convincing developed countries to cooperate in alleviating the burdens and facilitating the resettlement processes in an expeditious manner. This includes accepting more refugees for resettlement as part of their international cooperation responsibilities.

10) More developed countries need to participate by expediting resettlement procedures for individuals who qualify as per the cooperation between Egyptian authorities and UNHCR in third countries and to increase the number of people they accept. This comes as part of the preamble of the 1951 Convention: &Considering that the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution to a problem, of which the United Nations has recognized the international scope and nature, cannot be achieved without international co-operation.8

11) The protection of national security of a country is the basis for international relations and any violations committed by infiltrators who aim to flee to European countries - under the veneer of seeking asylum - is not acceptable, threatens security and needs to be firmly dealt with according to the law.

End text of letter.  
SCOBAY